



MEMORANDUM OF AGREEMENT (MOA)
BETWEEN THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)
AND LINCOLN COUNTY, MONTANA

**ADMINISTRATIVE
RECORD**

A decade of vermiculite mining in the Libby area has resulted in significant amphibole asbestos contamination. Extensive sampling and study by EPA Region VIII has led EPA to conclude that cleanup of the contamination is necessary. In general, contaminated materials will be removed from properties in the Libby area. These materials will require proper disposal.

Lincoln County operates a state-licensed solid waste landfill within the EPA project area at Libby. To support future asbestos disposal needs, EPA, in cooperation with Lincoln County, constructed a single cell at the Lincoln County landfill that is acceptable for asbestos disposal ("the asbestos cell"). At their discretion, Lincoln County also has the land capacity to add additional cells if required.

The following is a list of understanding and agreements necessary for this cooperative effort. In this agreement, "EPA" is used to refer generally to EPA, EPA's contractors, or other government agencies working on behalf of EPA:

1. Lincoln County will provide general and routine landfill operational and management services and the necessary space for controlled and monitored disposal of asbestos waste material removed during EPA cleanup activities. The contract for asbestos disposal is being administered on behalf of EPA by the U.S. Department of Transportation, Volpe National Transportation Systems Center (Volpe Center). This contract is attached (Attachment A). The rate paid by the Government for disposal and other terms are specified in the contract.
2. If agreed to by Lincoln County and EPA, additional cells may be constructed in the future if warranted. Additional contracts may be necessary to support such an action.
3. Because the asbestos cell at the Lincoln County Landfill was constructed and will be operated and managed using authority derived from the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the cell does not require a permit from the Montana Department of Environmental Quality (MTDEQ). However, during construction of the asbestos cell and development of the Operations & Maintenance (O&M) Plan, EPA and Lincoln County consulted with the MTDEQ and endeavored to meet all substantive requirements for a licensed cell. MTDEQ concurs with the action and has written a memorandum to this effect that is attached (Attachment B).
4. EPA will conduct waste management activities at the asbestos disposal cell during the Superfund cleanup period. These waste management activities consist of the following tasks:
 - a. Waste disposal including placement, grading, and cover,
 - b. Dust and airborne particulate control,
 - c. Storm water and erosion control,
 - d. Decontamination of EPA's contractors equipment and personnel,
 - e. Health and Safety of EPA's contractors personnel,

- f. Sampling and Analysis, including air, water, and ground water sampling to coincide with waste management activities. Sampling and analysis by EPA will cease upon closure of the landfill, and
- g. Final closure at the end of the cleanup period, to be defined as follows:

These waste management activities will last until:

- a. October 2006; or
- b. The minimum quantity of waste as described in the disposal contract (Attachment A) has been deposited in the cell; or
- c. Other arrangements between Lincoln County and EPA are agreed to.

5. EPA's waste management activities will be conducted in accordance with the Libby Asbestos Site Asbestos Disposal Cell Operation and Maintenance Plan ("the O&M Plan). Except in the case of an emergency, both parties will agree to any deviations from, or changes to, the O&M Plan. Lincoln County explicitly grants access to EPA, EPA's contractors, or other government agencies working on behalf of EPA, to perform the waste management activities described in this MOA.

6. Lincoln County can accept asbestos waste from private users and will bill private users directly. This waste will be placed in the designated private user asbestos storage container in the designated location in the Lincoln County Landfill. EPA will dispose of filled containers in the asbestos cell. Lincoln County shall deduct this quantity for the quantity billed as part of the disposal contract (Attachment A). EPA reserves the right to bill private users for disposal if the disposal occurs as part of a CERCLA cleanup action.

7. EPA is responsible for final closure of the cell(s) utilized for CERCLA response actions as described in the O&M Plan. After final closure of the cell, Lincoln County becomes responsible for implementing necessary actions in the O&M plan or other actions as required by MTDEQ.

8. EPA and Lincoln County envision a need for additional asbestos cell capacity after EPA's cleanup actions are complete. EPA expects this capacity to be a crucial part of the long-term management activities at the Libby Superfund Site. Unless otherwise agreed to by EPA and Lincoln County, a minimum of 10,000 cubic yards of capacity will be left either in an already constructed cell or a new cell. Operation of this asbestos cell capacity will be assumed by Lincoln County.

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